

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DEVON SAMUEL JAMES SINGLETON	)	No.: 1:21-cv-00025-NONE-SAB (PC)
PERKINS,	)	
Plaintiff,	)	
v.	)	<u>ORDER ADOPTING IN PART FINDINGS AND</u>
	)	<u>RECOMMENDATIONS, AND DISMISSING</u>
C. PFEIFFER, et al.,	)	<u>ACTION</u>
	)	(Doc. No. 14)
Defendants.	)	
	)	

Plaintiff Devon Samuel James Singleton Perkins is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff filed the instant action January 7, 2021. On February 10, 2021, the court screened plaintiff's complaint, found that no cognizable claims were stated, and granted plaintiff thirty days to file an amended complaint. (Doc. No. 7.) Plaintiff filed a first amended complaint on March 18, 2021. (Doc. No. 9.) On April 30, 2021, the court screened the first amended complaint, again found that no cognizable claims had been stated, and granted plaintiff one final opportunity to file a second amended complaint attempting to cure the noted deficiencies within thirty days. (Doc. No. 11.) Plaintiff failed to file a second amended complaint. Therefore, on June 9, 2021, the court ordered plaintiff to show cause within fourteen days why the action should not be dismissed. (Doc. No. 12.) Plaintiff failed to file a response to the order to show cause.

1 On July 7, 2021, the assigned magistrate judge issued findings and recommendations  
2 recommending that the action be dismissed for failure to state a cognizable claim for relief, failure to  
3 comply with a court order and failure to prosecute. (Doc. No. 14.) The findings and  
4 recommendations were served on plaintiff and contained notice that objections were due within  
5 fourteen days. (*Id.* at 7.) Plaintiff has not filed objections and the time to do so has passed.


6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court  
7 has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the court finds  
8 the findings and recommendations to be supported by the record and proper analysis insofar as they  
9 recommend dismissal for failure to prosecute and failure to obey a court order. The court declines to  
10 address the remaining potential grounds for dismissal discussed in the pending findings and  
11 recommendations.

12 Accordingly,

- 13 1. The findings and recommendations issued on July 7, 2021, (Doc. No. 14), are adopted  
14 in part;
- 15 2. This case is dismissed for failure to state a cognizable claim for relief and failure to  
16 comply with a court order;
- 17 3. The Clerk of the Court is directed to assign a district judge to this action for purposes of  
18 closure and to close this case.

19  
20 IT IS SO ORDERED.

21 Dated: August 24, 2021

22   
UNITED STATES DISTRICT JUDGE